

least delay action on others: The particular nominee would substitute his or her own liberal or conservative philosophy for the law and the Constitution.

"It would be wrong for us to be a rubber stamp for each nominee," Sen. Jeff Sessions of Alabama, the senior Republican on the Judiciary Committee, said in a recent confirmation dustup in the Senate.

That sounds familiar.

After Mr. Estrada gave up, Sen. Edward M. Kennedy, Massachusetts Democrat, said, "This should serve as a wake-up call to the [Bush] White House that it cannot simply expect the Senate to rubber-stamp judicial nominations."

The Republican stall at this point is focused on two appellate court judges whose nominations were sent by the Judiciary Committee to the full Senate on June 4:

David Hamilton of Indiana, a U.S. district judge and nephew of former Democratic Rep. Lee H. Hamilton, chosen for the Chicago-based appeals court.

Mr. Reid said he wants a vote on Judge Hamilton by Veterans Day. He'll probably need a supermajority of 60 to get one.

Judge Andre Davis, a district judge in Maryland, nominated for a seat on the appellate court headquartered in Richmond.

Mr. Sessions made it clear that his party will put up a fight against confirming either. He cited Judge Hamilton's position in the late 1980s as a vice president for litigation and board member of the Indiana chapter of the American Civil Liberties Union. Mr. Sessions also complained about Judge Hamilton's judicial rulings.

"Instead of embracing the constitutional standard of jurisprudence, Judge Hamilton has embraced this 'empathy' standard, this 'feeling' standard. Whatever that is, it is not law. It is not a legal standard," Mr. Sessions said.

In Judge Davis' case, Mr. Sessions made the delay sound like a payback to Democrats, although he denied that was his purpose.

"We have had a number of battles over the failure to fill some of the vacancies on that court," Mr. Sessions said, referring to stalls of Mr. Bush's nominees for the Richmond-based appeals court—once known for its conservatism.

Mr. Sessions said Republicans have a problem with only one other current nominee before the Senate: Edward Chen, chosen for a U.S. district court seat in California. But Mr. Chen's nomination was only approved by the committee on Oct. 15, hardly enough time to make the case for a stall.

"Most of the nominees . . . will go through in an expeditious manner," Mr. Sessions said. He said Republicans are ready to support Beverly Martin, nominated for the Atlanta-based appeals court, but Democrats have not scheduled a vote. Her nomination reached the full Senate Sept. 10.

In the Senate's five judicial confirmation votes this year, only Justice Sotomayor generated significant Republican opposition, and she was approved 68-31.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Andre M. Davis, of Maryland, to be United States circuit judge for the Fourth Circuit?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota

(Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Florida (Mr. NELSON) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), and the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "yea."

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 16, as follows:

[Rollcall Vote No. 342 Ex.]

YEAS—72

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Baucus	Hagan	Murkowski
Bayh	Harkin	Murray
Begich	Hatch	Nelson (NE)
Bennet	Inouye	Pryor
Bennett	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kirk	Rockefeller
Brown	Klobuchar	Sanders
Burr	Kohl	Schumer
Cantwell	Kyl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Cochran	LeMieux	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Voinovich
Dodd	Lugar	Warner
Durbin	McCain	Webb
Feingold	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Franken	Menendez	Wyden

NAYS—16

Barrasso	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Grassley	Thune
Coburn	Inhofe	Vitter
Crapo	Johanns	
DeMint	Roberts	

NOT VOTING—12

Bond	Cornyn	Isakson
Burr	Dorgan	Kerry
Byrd	Gregg	Nelson (FL)
Chambliss	Hutchison	Risch

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. KERRY. Madam President, I was necessarily absent for the vote on the confirmation of Andre Davis to the Fourth Circuit. If I were able to attend today's session, I would have voted for his confirmation. •

NOMINATION OF CHARLENE EDWARDS HONEYWELL TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the Honeywell nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Charlene Edwards Honeywell, of Florida, to be United States District Judge for the Middle District of Florida.

Mr. LEAHY. Madam President, Judge Charlene Edwards Honeywell has been nominated to serve on the U.S. District Court for the Middle District of Florida. Judge Honeywell's confirmation has been needlessly delayed. Judge Honeywell is a longtime State judge, last appointed by former Republican Governor Jeb Bush. She was one of three district court nominees reported by the Judiciary Committee on October 1 without dissent. Yet Senate consideration has been delayed for 5 weeks.

After a 3-week wait, the Senate was allowed to consider the nomination of Roberto Lange, who was confirmed by the Senate 100 to 0—unanimously—to serve on the U.S. District Court for the District of South Dakota after 2 hours of floor debate during which no Senator spoke in opposition. After a 4-week wait, the Senate was allowed to consider the nomination of Irene Cornelia Berger, who was confirmed by a vote of 97 to 0 to serve on the U.S. District Court for the Southern District of West Virginia after an hour of floor debate during which no Senator spoke in opposition. After more than 5 weeks, the Senate today finally considers the nomination of Judge Honeywell, and I expect a similar result.

At the conclusion of the hearing to consider these nominations, Senator SESSIONS, the committee's ranking member, said:

It's a great honor that you've been given to be nominated and I expect things should go forward in a timely manner. I don't believe that any of you need to be held up based on what I know at this time. So, we'd like to see you get your vote as soon as reasonably possible.

I have been disappointed by Republican delays in bringing these well-qualified, noncontroversial nominees to a vote in the full Senate.

Judge Honeywell first served as a State court judge in 1994, and in 2001 was appointed by Gov. Jeb Bush to serve as a State circuit court judge. Her legal career also includes working in private practice, serving as an assistant city attorney and as an assistant public defender. She was unanimously rated "well-qualified" by the American Bar Association's Standing Committee on the Federal Judiciary, the committee's highest rating. She received the bipartisan support of Florida Senators BILL NELSON and Mel Martinez.

The Senate must restore its tradition of regularly considering qualified, non-controversial nominees to fill vacancies on the Federal bench without needless and harmful delays. This is a tradition followed with Republican Presidents and Democratic Presidents.

I congratulate Judge Honeywell and her family on her confirmation today.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Charlene Edwards Honeywell, of Florida, to be United States District Judge for the Middle District of Florida?

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN: I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Florida (Mr. NELSON) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), and the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted: "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 343 Ex.]

YEAS—88

Akaka	Feinstein	Mikulski
Alexander	Franken	Murkowski
Barrasso	Gillibrand	Murray
Baucus	Graham	Nelson (NE)
Bayh	Grassley	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Hatch	Roberts
Bingaman	Inhofe	Rockefeller
Boxer	Inouye	Sanders
Brown	Johanns	Schumer
Brownback	Johnson	Sessions
Bunning	Kaufman	Shaheen
Burr	Kirk	Shelby
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Coburn	Lautenberg	Thune
Cochran	Leahy	Udall (CO)
Collins	LeMieux	Udall (NM)
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Crapo	Lincoln	Warner
DeMint	Lugar	Webb
Dodd	McCain	Whitehouse
Durbin	McCaskey	Wicker
Ensign	McConnell	Wyden
Enzi	Menendez	
Feingold	Merkley	

NOT VOTING—12

Bond	Cornyn	Isakson
Burr	Dorgan	Kerry
Byrd	Gregg	Nelson (FL)
Chambliss	Hutchison	Risch

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. KERRY. Madam President, I was necessarily absent for the vote on the confirmation of Charlene Edwards Honeywell to be U.S. District Judge for the Middle District of Florida. If I were able to attend today's session, I would have voted for her confirmation.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Oklahoma.

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT 2010—Continued

Mr. INHOFE. Madam President, it was my intention to ask unanimous consent to lay the pending amendment aside for consideration of amendment No. 2758. However, I will not make that request right now. It is my understanding, however, and I ask unanimous consent, that I be recognized for up to 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, it is my intention to go ahead in the morning and get this amendment in the queue. This amendment, No. 2758, is a simple, one-page amendment, and I will read the amendment because there has been a lot of confusion as to what is happening down at Guantanamo Bay. Amendments have been introduced to withhold funds from construction, to withhold the opportunities for people to come to the United States, but this is a simple, one-page amendment which states the following:

None of the funds appropriated or otherwise made available by this act or any prior act may be used to construct or modify a facility or facilities in the United States or its territories to permanently or temporarily hold any individual who was detained as of October 1, 2009, at Naval Station Guantanamo Bay.

Some may ask: Why are we adding another Gitmo amendment? Hasn't everything been covered by previous amendments? The answer is clearly no. In 2007, the Senate voted 94 to 3 on a resolution declaring:

Detainees housed at Guantanamo should not be released into American society, nor should they be transferred stateside into fa-

cilities in American communities and neighborhoods.

Then, on May 20, 2009, the Senate passed my bipartisan amendment with Senator INOUE to the war supplemental bill prohibiting the transfer, release or incarceration of Gitmo detainees in the United States or its territories. It passed 90 to 6.

Senator INOUE stated:

We have not provided funding for the closure of Guantanamo because the administration has yet to produce a credible plan.

Unfortunately, the supplemental conference deleted that language, allowing detainees to be transferred or transported to the United States for trial.

Then, in October of 2009, the Senate voted 97 to 3 to pass the fiscal year 2010 Senate Defense appropriations bill that included language that prevents funding for any transfers, releases or incarcerations of Gitmo detainees to the United States through fiscal year 2010. The bill is in conference now, and we don't know what is going to be happening to it.

On October 28, 2009, the fiscal year Defense authorization and Homeland Security bills were signed into law that would allow transfer of detainees 45 days after the President provides a plan.

That is kind of where we are right now. This amendment will put the MILCON-VA bill into sync with previous authorizations and appropriations of the bill. So I will be trying to get this in and trying to get it passed. I will not go into any of the details.

I could probably talk for 3 hours on this floor, explaining why it is we should not give up this valuable asset called Gitmo. There is no place else to send these people, and I cannot imagine why there are some people, including the President, who seem to be bent on bringing those detainees into the United States. They have tried Fort Leavenworth, they have tried Fort Sill in Oklahoma, and some 31 States have now passed legislation saying they are not going to be in any of their facilities. So I don't think it is going to happen, but we need to get language in there that is consistent to make sure we keep that resource open.

By the way, this is one of the rarer resources that is very worthwhile. We have had this since 1907, and there is no place else in the world that is set up to both incarcerate and try detainees in a military court.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

UNANIMOUS-CONSENT REQUEST—S. 1963

Mr. AKAKA. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 190, S. 1963, at a time to be determined by the majority leader following consultation with the Republican leader, and that when the bill is considered, it be under the following limitations: that general debate on the bill be limited to 60 minutes equally divided and controlled between the chair